

Pro Se

Jorge L. Alvarez

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08/26/2019

### **Statement of Claim**

#### **Jorge L. Alvarez vs Recovery Zone, Inc**

On 28<sup>th</sup> of January 2017, a wrongful repossession was conducted on the property of 37 Allison lane. The company who goes by the name, RECOVERY ZONE, owned, operated and represented by KEITH G. BURGER, located at 235 Mill Street Springfield, Ma 01108.

Keith G Burger registered with the Commonwealth of Massachusetts corporate division as the Officers and Directors of the Corporation being, President/Treasurer/Secretary/Director of Recovery Zone, Inc.

**Claim 1.** Defendant violated the Federal Trade Commission rule on vehicle repossession, “But when seizing the vehicle, your creditor may not commit a “**breach of the peace.**” 10 U.S code 916 art 116 covers breach of peace.

**Claim 2.** And in doing so committed Trespass.

**Claim 3.** In doing so, the defendant also committed a deceptive and unfair practice, 15 USC 45 and the Massachusetts Consumer Protection laws 93A.

**Claim 4.** The defendant violated Massachusetts General Law Chapter 255B Sec 20B, “only if possession can be obtained without use of force, without **breach of peace** and **unless the debtor consents to an entry**, at the time of such entry, without entry on property owned by or rented to the debtor.”

**Claim 5.** Additionally, Chapter 255B Section 20C. “Any creditor obtaining possession of a motor vehicle under the provisions of this chapter shall, within one hour after obtaining such possession, notify the police department of the city or town in which such possession occurred, giving such police department a description of the vehicle involved.”

**Claim 6.** Additionally, the defendant also refused repeatedly to return personal properties and claimed they will be up for grabs to employees or thrown away. And as according to the FTC rules on vehicle repossession regarding personal property in the vehicle, “Regardless of the

method used to dispose of a repossessed car, a creditor may not keep or sell any personal property found inside. In some states, your creditor must tell you what personal items were found in your car and how you can retrieve them. Your creditor also may be required to use reasonable care to prevent anyone else from removing your property from the car.” Because defendant failed to uphold the rules of this, I also add **Claim 6**, Conversion & Trespass to Chattel.

**Claim 7.** During the trespass & breach of peace during the wrongful repossession, the defendant caused injuries to private property, ground/lawn, by driving a heavy commercial vehicle on soft ground

Because the defendant performed criminal acts for monetary gains, and I don’t have the authority to prosecute the defendant and seek criminal remedies as stated by the Trial Court of The Commonwealth Springfield District Court, I have reported the defendant as recommended, to the Attorney Generals Office to investigate and pursue criminal charges against the defendant.

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But, as stated by the Trial Court of The Commonwealth Springfield District Court, my claims have been found to be credible and I am free and have the right to file suit against Recovery Zone. And so, I have and wish to file suit in the amount of \$150,000.